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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,056	03/14/2000	Katsumi Karasawa	35.C14345	7623

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EXAMINER	
SHAND, ROBERTA A	
ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/525,056	KARASAWA, KATSUMI	
	Examiner	Art Unit	
	Roberta A. Shand	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 18-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 18-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-11, 19-21, 23-26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (U.S. 5838678) in view of Ejiri (U.S. 6262990 B1) and further in view of Lechleider (U.S. 6058109).

3. Regarding claims 1, Davis teaches (col. 9, line 50 – col. 10, line 50) an information processing apparatus comprising: input means (fig. 9, elements 902, 908) for inputting variable length packet data (video data, audio data) including packet length information indicative of a packet length and encoded information data; judgment means (906) for judging the packet length of the variable length packet data (col. 9, lines 64-67); and packet generating means (914) for generating said variable length packet data into fixed length packet data in accordance with an output of said judgment means, and transmitting the fixed length packet data (col. 10, lines 1-7), wherein the packet generating means includes memory means for generating fixed-length data, the memory means is initialized by writing stuffing data into in advance (col. 10, lines 30-38), and the packet generating means generates the fixed length data by writing the variable length packet data into the initialized memory means in accordance with the packet length judged by the judgment means and reading out the data from the memory means (figs. 9 and 14).

4. Davis does not teach the packet generating means generates the fixed length packet data to which the stuffing data is added, in case that the variable length packet data to be written into the memory means is shorter than a predetermine length.

5. Ejiri teaches (col. 3, lines 8-34) generating means generates the fixed length packet data to which the stuffing data is added, in case that the variable length packet data to be written is shorter than a predetermine length (col. 5, lines 23 – 41). It would have been obvious to one of ordinary skill in the art to adapt to Davis' system Ejiri's stuffing function to compensate for the shortened length.

6. Davis nor Ejiri teach stuffing data into the memory before generating the fixed length packet.

7. Lechleider teaches (fig. 3 and col. 6, line 50 – col. 7, line 5) stuffing data into a buffer to compensate for lack of enough data. It would have been obvious to one f ordinary skill in the art to adapt this stuffing concept taught by Lechleider to Davis' system to ensure quality of service within the system.

8. Regarding claim 2. Davis teaches (col. 10 and col. 11, lines 4-10) a clock reference information generating means for use in a time reference during decoding of encoded data.

9. Regarding claim 3, Davis teaches (col. 11, line 61-63) program specific information included in the data.

10. Regarding claim 4, Davis teaches (figure 9) the input means inputs a plurality of types of variable length packet data.

11. Regarding claim 5, Davis teaches (col. 11, lines 4-10) the packet generating means transmits the fixed length packet data provided with the clock reference information, when no effective fixed length packet data is present.

12. Regarding claim 6, Davis teaches (col. 11, line 61-63) transmitting the fixed length packet data provided with the program specific information, when no effective fixed length packet data is present.

13. Regarding claims 7, 19 and 23, Davis teaches (col. 1, lines 21-44 and figure 9) the variable length packet data is PES (906) conforming to ISO/IEC 13818-1, and the fixed length packet data is TS (914) conforming to ISO/IEC 13818-1.

14. Regarding claims 8 and 20, Davis teaches (col. 1, lines 21-44 and col. 11, lines 1-10) the clock reference information is PCR conforming to ISO/IEC 13818-1.

15. Regarding claims 9 and 24, Davis teaches (col. 1, lines 21-44 and col. 11, line 61-63) the program specific information is PSI conforming to ISO/IEC 13818-1.

16. Regarding claims 10, 21 and 25, Davis teaches (col. 1, lines 21-44 and col. 9) the information data is image data, and is encoded in conformity with ISO/IEC 13818-2

17. Regarding claim 11, Davis teaches (fig. 1, element 136) inserting a stuffing byte when the code length of the variable length packet is less than the code length, which can be inserted into the fixed-length packet

18. Regarding claim 26, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) an information processing method comprising: inputting variable length packet data including packet length information indicative of a packet length and encoded information data; judging the packet length of the variable length packet data (col.9, lines 50-67); generating said variable length packet data into fixed length packet data in accordance with an output of said judgment means, and transmitting the fixed length packet data (col. 10, lines 1-7), wherein the generating step includes initializing memory means for generating fixed-length data, by writing stuffing data into in advance (col. 10, lines 30-38), and generating step generates the fixed length data by writing the variable length packet data into the initialized memory means in accordance with the packet length judged in the judging step and reading out the data from the memory means (figs. 9 and 14).

19. Davis does not teach the packet generating the fixed length packet data to which the stuffing data is added, in case that the variable length packet data to be written into the memory means is shorter than a predetermine length.

20. Ejiri teaches (col. 3, lines 8-34) generating the fixed length packet data to which the stuffing data is added, in case that the variable length packet data to be written into the memory means is shorter than a predetermine length (col. 5, lines 23 – 41). It would have been obvious to one of ordinary skill in the art to adapt to Davis' system Ejiri's stuffing function to compensate for the shortened length.

21. Davis nor Ejiri teach stuffing data into the memory before generating the fixed length packet.

22. Lechleider teaches (fig. 3 and col. 6, line 50 – col. 7, line 5) stuffing data into a buffer to compensate for lack of enough data. It would have been obvious to one f ordinary skill in the art to adapt this stuffing concept taught by Lechleider to Davis' system to ensure quality of service within the system.

23. Regarding claims 32, Davis teaches (col. 9, line 50 – col. 10, line 50) an information processing apparatus comprising: input portion (fig. 9, elements 902, 908) for inputting variable length packet data (video data, audio data) including packet length information indicative of a packet length and encoded information data,; judgment portion (906) for judging the packet length of the variable length packet data (col. 9, lines 64-67); and packet generating portion (914) for generating said variable length packet data into fixed length packet data in accordance with an output of said judgment means, and transmitting the fixed length packet data (col. 10, lines 1-7), wherein the packet generating portion includes memory means for generating fixed-length data, the memory means is initialized by writing stuffing data into in advance (col. 10,

lines 30-38), and the packet generating means generates the fixed length data by writing the variable length packet data into the initialized memory means in accordance with the packet length judged by the judgment means and reading out the data from the memory means (figs. 9 and 14).

24. Davis does not teach the packet generating means generates the fixed length packet data to which the stuffing data is added, in case that the variable length packet data to be written into the memory means is shorter than a predetermine length.

25. Ejiri teaches (col. 3, lines 8-34) generating means generates the fixed length packet data to which the stuffing data is added, in case that the variable length packet data to be written into the memory means is shorter than a predetermine length (col. 5, lines 23 – 41). It would have been obvious to one of ordinary skill in the art to adapt to Davis' system Ejiri's stuffing function to compensate for the shortened length.

26. Davis nor Ejiri teach stuffing data into the memory before generating the fixed length packet.

27. Lechleider teaches (fig. 3 and col. 6, line 50 – col. 7, line 5) stuffing data into a buffer to compensate for lack of enough data. It would have been obvious to one f ordinary skill in the art to adapt this stuffing concept taught by Lechleider to Davis' system to ensure quality of service within the system.

28. Claims 18, 22, 27-31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (U.S. 5838678) in view of Ejiri (U.S. 6262990 B1).

29. Regarding claim 18, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) an information processing apparatus comprising: generating means for generating variable-length packets including encoded information (906); generating means (914) for generating and transmitting fixed-length packet data from the variable length packets; and generating means for generating clock reference information (col. 11, lines 4-10) for use in a time reference during decoding.

30. Davis does not teach the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

31. Ejiri teaches (fig. 4) the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

32. Regarding claim 22, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) an information processing apparatus comprising: first generating means (904) for generating variable length packet data including encoded information data; second generating means (914) for generating and transmitting first fixed length packet data from the variable length packet data generated by the first generating means; and generating means for generating program specific

information (col. 11, lines 61-67) indicative of a program specific of the first fixed length packet data.

33. David does not teach the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

34. Ejiri teaches (fig. 4) the second generating means operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). . It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

35. Regarding claim 27, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) a information processing method comprising: generating variable length packets included encoded information data (906); generating and transmitting first fixed length packet data (video) from variable length data (914); and generating clock reference information for use in a time reference (col. 11, lines 4-10) during decoding of the encoded information.

36. Davis does not teach the fixed length generating step includes a step of generating second fixed length packet data including the clock reference information and transmitting it within a predetermined time interval, and a step of compulsorily transmitting it when there is no effective first fixed length packet the second fixed length regardless of the predetermined time interval.

37. Ejiri teaches (fig. 4) generating second fixed length packet data including the clock reference information and transmitting it within a predetermined time interval, and a step of

compulsorily transmitting it when there is no effective first fixed length packet the second fixed length regardless of the predetermined time interval (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

38. Regarding claim 28, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) a information processing method comprising: generating variable length packets included encoded information data (col. 9, lines 50-67); generating and transmitting first fixed length packet data (video) from variable length data (col. 10, lines 1-10); and generating program specific information (MPEG) indicative of a program specific of the first fixed length packet (col. 11, lines 61-67).

39. Davis does not teach the fixed length generating step includes a step of generating second fixed length packet data including the program specific information and a step of transmitting it within a predetermined interval, and a step of compulsorily transmitting it regardless of the predetermined time interval when there is no effective first fixed length packet data.

40. Ejiri teaches (fig. 4) generating second fixed length packet data including the program specific information and a step of transmitting it within a predetermined interval, and a step of compulsorily transmitting it regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

41. Regarding claim 29-31, Davis teaches (column 10 and figure 9) a storage medium for storing information processing program and read by a computer.

42. Regarding claim 33, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) an information processing apparatus comprising: generating portion for generating variable-length packets including encoded information (906); generating portion (914) for generating and transmitting fixed-length packet data from the variable length packets; and generating portion for generating clock reference information (col. 11, lines 4-10) for use in a time reference during decoding.

43. Davis does not teach the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

44. Ejiri teaches (fig. 4) the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

45. Regarding claim 34, Davis teaches (col. 9, line 50 – col. 10, line 50 and figures 9 an 14) an information processing apparatus comprising: first generating portion (904) for generating variable length packet data including encoded information data; second generating portion (914) for generating and transmitting first fixed length packet data from the variable length packet data

generated by the first generating portion; and generating portion for generating program specific information (col. 11, lines 61-67) indicative of a program specific of the first fixed length packet data.

46. Davis does not teach the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data.

47. Ejiri teaches (fig. 4) the second generating portion operates within a predetermined time interval and transmits the second fixed length data regardless of the predetermined time interval when there is no effective first fixed length packet data (col. 5, lines 23-67). It would have been obvious to one of ordinary skill in the art this adapt to Davis's system to avoid collision or interference in the system.

Response to Arguments

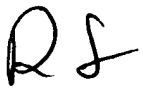
48. Applicant's arguments filed March 13, 2006 have been fully considered but they are not persuasive. Applicant argues that Davis does not teach generating clock reference information for use in a time reference during decoding of encoded information. Davis teaches in column 11 an indicator that instructs the decoder to resynchronize its clocks to the new stream. Applicant also argues that nothing in Enjiri would teach or suggest determining a transmission timing dependent on whether data is present in the buffer or not. This limitation in the argument by applicant s not in the claims.

Conclusion

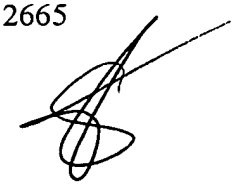
49. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

450. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

51. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roberta A Stevens
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER